

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

PATRICIA MORGAN,

Plaintiff,

-against-

FEDERAL EXPRESS CORPORATION,

Defendant.

Civil Action No.

**NOTICE OF REMOVAL**

**TO THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK:**

Defendant, FEDERAL EXPRESS CORPORATION, by its undersigned attorneys, hereby files this Notice of Removal pursuant to 28 U.S.C. § 1441, *et. seq.*, and 28 U.S.C. § 1332(a)(1), and respectfully requests that this action be removed from the Supreme Court of the State of New York, County of Bronx (Index No.: 326921/2020E), where the action currently is pending, to the United States District Court, Southern District of New York, and states as follows:

1. Defendant FEDERAL EXPRESS CORPORATION is a defendant in a civil action commenced by Plaintiff PATRICIA MORGAN (hereinafter “Plaintiff”) in the Supreme Court of the State of New York, County of Bronx, bearing the same caption as above stated, under Index Number: 326921/2020E.

2. The state court action was commenced by the filing of a Summons and Verified Complaint on or about October 29, 2020. A copy of the Summons and Verified Complaint are annexed hereto as **Exhibit “A”**.

3. Issue was joined by Defendant by service of its Verified Answer to the Verified Complaint on December 24, 2020, a copy of which is annexed hereto as **Exhibit “B”**.

4. Upon information and belief, and as alleged in Plaintiff's Complaint, Plaintiff was, at the time this action was commenced, and remains a citizen of the State of New York, with a residence in the County of Bronx, New York. *See Exhibit "A"*.

5. Pursuant to 28 U.S.C. § 1332(c)(1), Defendant FEDERAL EXPRESS CORPORATION was, at the time this action was commenced, and remains a citizen of the States of Delaware, its place of incorporation, and Tennessee, the state in which it maintains its principal place of business.

6. Therefore, this action is between citizens of different states pursuant to 28 U.S.C. § 1332(a)(1).

7. In the underlying action, Plaintiff seeks damages in amounts "exceeding the monetary jurisdictional limits of any and all lower courts which would otherwise have jurisdiction." *See Exhibit "A"*.

8. As it is unclear on the face of the initial pleading whether the amount in controversy exceeds the sum or value of \$75,000 as required pursuant to 28 U.S.C. § 1332(a)(1), on January 26, 2021, Defendant served Plaintiff with a Demand for Damages, a copy of which is annexed hereto as **Exhibit "C"**.

9. Plaintiff's Response to the Demand for Damages, which was incorporated within her Response to Combined Demands, provides that the damages sought by Plaintiff in this action is in the amount of \$1 Million Dollars. A copy of Plaintiff's Response to Demand for Damages, which was incorporated within her Response to Combined Demands, dated and served on February 5, 2021, is annexed hereto as **Exhibit "D"**.

10. Service on February 5, 2021, of Plaintiff's Response to Defendant's Demand Damages was FEDERAL EXPRESS CORPORATION's first notice from which it may first be

ascertained that the case is one which is or has become removable pursuant to 28 U.S.C. § 1332 and 1446(b)(3). This Notice of Removal is being filed within thirty (30) days after receipt of such document and is, therefore, timely under 28 U.S.C. § 1446(b)(3).

11. Accordingly, this Court has original jurisdiction over this action in that complete diversity of citizenship exists and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs pursuant to 28 U.S.C. § 1332(a)(1), and Defendant may remove same pursuant to 28 U.S.C. § 1441.

12. No previous application for the relief sought herein has been made to this or any other Court.

WHEREFORE, Defendant, FEDERAL EXPRESS CORPORTION, provides notice that the action pending in the Supreme Court of the State of New York, County of Bronx under Index Number 32691/2020E is hereby removed therefrom to this Court.

Dated: New York, New York  
March 3, 2021

Respectfully submitted,

KAPLAN, MASSAMILLO & ANDREWS, LLC

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**VIA ECF:**

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